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09/690,455	10/18/2000	Keiichiro Yoshihara	C14-127596M/YAH	3808

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EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/690,455

Applicant(s)

YOSHIHARA ET AL.

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 23-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. (US Patent No. 6, 072, 476).

As to claim 1, Harada et al. teaches about an apparatus which comprises:

a first panel including a first display. (See Fig 2a-2c, items 51, 53, 54-2, 54-1, 56, in description See Col. 8, Lines 9-26)

a second panel including a second display (See Fig 2a-2c, items 51, 53, 54-2, 54-1, 56, in description See Col. 8, Lines 9-26)

the second panel is adapted to be opened and closed with respect to the first display

about the side as an axis. (See Fig 2a-2c, items 51, 53, 54-2, 54-1, 56, in description See Col. 8, Lines 9-26). Harada et al. does not show the use of his system in the in a vehicle. Since the criticality of "first panel mounted onto a surface in the vehicle" is not shown by the applicant, It would have been obvious to one of ordinary skill in the art in the time of invention to use Harada et al. system with two displays in a vehicle to improve operability of the vehicle.

As to claim 23, Harada et al. teaches about a display device which comprises:

a first panel including a first display. (See Fig 2a-2c, items 51, 53, 54-2, 54-1, 56, in description See Col. 8, Lines 9-26)

a second panel including a second display (See Fig 2a-2c, items 51, 53, 54-2, 54-1, 56,

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in description See Col. 8, Lines 9-26)

the second panel is adapted to be opened and closed with respect to the first display about an axis located at the edge of first display. (See Fig 2a-2c, items 51, 53, 54-2, 54-1, 56, in description See Col. 8, Lines 9-26). Harada et al. does not show first panel adapted to be mounted on a surface. It would have been obvious to one of ordinary skill in the art in the time of invention to use Harada et al. system mounted on a surface to widen the range of system application.

As to claims 24-25, Harada does not teach a portion of first display is visible, when second panel in a closed position and visible portion provide a display. It would have been obvious to one of ordinary skill in the art in the time of invention to modify Harada et al. system to open the portion of first panel when second panel is closed to widen the range of system application.

2. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. as aforementioned in claim 1 in view of Jin. (US Patent No. 5, 659, 361).

Harada et al. does not teach about second panel be turned upside down. Jin shows tiltable, rotatable panel as LCD viewfinder which could be rotated 360°. It would have been obvious to one of ordinary skill in the art in the time of invention to use Jin rotatable panel in Harada et al. system with two displays in a vehicle to improve operability of the vehicle-mounted apparatus. (See Fig. 3A, items 1, 2, in description See Col. 3, Lines 49-55 and Col. 4, Lines 21-25).

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3. Claims 3, 8 and 11, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. and Jin as aforementioned in claims 1-2 and 26 in view of Pabon et al. (US Patent No. 6, 256, 020 B1).

As to claim 3, Harada et al. and Jin does not teach about an operating and means to change the function on operating switch according to the predetermined conditions. Pabon et al. shows how to indicate a current function assigned to each operating switch key (switch). (See Fig.2, item 24, in description See Col. 3, Lines 10-15 and Col. 4, Lines 58-68). ). It would have been obvious to one of ordinary skill in the art in the time of invention to use Pabon et al. method in Harada et al. and Jin system to achieve more flexibility and reduce cost by using the computer resources.

As to claim 8, See above rejection of claims 1-3.

As to claims 11, 26 See above rejection of claim 3.

4. Claims 4, 5 and 12-14, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al., and Jin, and Pabon et al. as aforementioned in claims 2-3, 23 in view of Nakadozono (US Patent No. 5, 121, 112).

As to claim 4, Harada et al., and Jin, and Pabon et al. teach how to rotate second panel and how change the function indication on operating switch. Harada et al., and Jin, and Pabon et al. do not show means for rotating switch and function indication. Nakadozono shows plurality of sensors, display and means of control (See Fig.1, items 101, 103, in description See Col. 2, Lines 50-60). It would have been obvious to one of ordinary skill in the art in the time of invention to use Nakadozono method of detection when the second panel is rotated upside down in Haraga et

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al., and Jin, and Paton et al system to change function indication to achieve more flexibility and reduce cost by using the computer resources.

As to claim 5, Harada et al., and Jin, and Pabon et al. show an axis of rotating relative to the upside down rotation of a second display. Harada et al., and Jin, and Pabon et al. do not show a first and second gears, button on the opposite surface of the second panel and slide plate with a rack for rotation... As shown above in rejection of claim 4 there is alternative way of implementation of changing function indication without mechanically rotating switch achieve more flexibility and reduce cost by using the computer resources.

As to claim 12, See above rejection of claim 4.

As to claims 13-14, 27 See above rejection of claim 5.

5. Claims 6, 9 and 15-18, 28-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. and Jin, and Pabon et al, and Nakadozono as aforementioned in claims 1-6, 23 in view of Ishii et al. (US Patent No. 5, 710, 600).

As to claim 6, Harada et al. shows the first and second displays. Harada et al. does not show means for displaying the current audio source on at least one of the displays. Ishii et al. shows images of the current audio source. (See Fig. 1, 3, item 2, in description See Col. 5, Lines 8-20). It would have been obvious to one of ordinary skill in the art in the time of invention to use Ishii et al. method of displaying in Haraga et al system to identify the current audio source.

As to claims 9, See above rejection of claims 1, 6.

As to claims 15 –18, 28-30, See above rejection of claim 6.

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7. Claims 7, 10 and 19-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al., and Jin, and Pabon et al. as aforementioned in claims 2 and 3 in view of Kamamoto et al. (US Patent No. 5, 982, 429).

As to claim 7, Harada et al., and Jin, and Pabon et al. teach how to rotate second panel and how change the function indication on operating switch. Harada et al., and Jin, and Pabon et al. do not show means for switching the source upon detection. Kamamoto et al. shows how to enable a speaker upon of movement of the viewfinder from a closed position. (See Fig. 2, items 1, 7, in description See Col. 2, Lines 30-40). It would have been obvious to one of ordinary skill in the art in the time of invention to use Kamamoto et al method of displaying in Harada et al., and Jin, and Pabon et al. system to switch the source upon detecting for the user convenience.

As to claim 10, See above rejection of claims 1 and 7.

As to claims 19-22, See above rejection of claim 7.

8. Applicant's arguments filed on 09/03/02 have been fully considered but they are not persuasive:

In reply, applicant stated on pages 6 and 7, that Harada reference contains no other teaching or suggestion of having apparatus in automobile. But, as one with ordinary skill in the art would know LCD displays already used in vehicles and mounted onto the surface in the vehicle (See Fig.1 and 2 in US Patent 6,067,078 to Hartman, cited by examiner). On another hand the applicant do not shows in drawings or claims any details of mounting to any surface including the surfaces in vehicle's, since the criticality of "first panel mounted onto a surface in

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the vehicle” is not shown by the applicant, it would have been obvious to one of ordinary skill in the art.

Relative to claim 2-3, 8, and 11 on pages 7 -9, it is not necessary that references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would suggested to one ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).

Relative to claims 4 and 12 on pages 9-10, examiner stated that Nakadozono shows plurality of sensors, display and means of control and suggested to use the Nakadozono method of detection to define when the second panel is rotated upside down as would recognized by the one ordinary skill in the art instead of pointing to exact feature of rotating the operating switch when the second panel is rotated upside down. The same arguments could apply to the rejection for claims 5, 13-14.

Relative to claims 6,9 and 15-18 on page 10 it is not necessary that references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would suggested to one ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).

Relative to claims 7,10 and 19-22 on page 10 and 11, the test for obviousness is not whether the features of the reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the references make obvious to the one ordinary skill in

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the art. In re Richman 165 USPQ 509, (CCPA 1970); In re Bozek, 163 USPQ 545, (CCPA 1969); In re Beckum, 169 USPQ 47 (CCPA 1971); In re Sneed 710 F 2d 1544, 218 USPQ 385.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



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